

DETAILED ACTION

Claim Objections

1. Claim 49 and 50 are objected to because of the following informalities: Both claims recite exactly the same. Appropriate correction is required.

Claim Rejections - 35 USC § 101

1. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 37-47 are rejected under 35 U.S.C. 101 because fails to fall within a statutory category of invention. It is directed to the program itself, not a process occurring as a result of executing the program, a machine programmed to operate in accordance with the program nor a manufacture structurally and functionally interconnected with the program in a manner which enables the program to act as a computer component and realize its functionality. It is also clearly not directed to a composition of matter. Therefore, it is non-statutory under 35 USC 101.

Examples of acceptable language in computer-processing related claims:

"computer readable medium" encoded with _____

- a. "a computer program"
- b. "software"
- c. "computer executable instructions"
- d. "instructions capable of being executed by a computer"

"a computer readable medium" _____ "computer program"

- a. storing a
- b. embodied with a
- c. encoded with a
- d. having a stored
- e. having encoded

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 1-6, 14-27, 32-41 and 46-50** are rejected under 35 U.S.C. 103(a) as being unpatentable over MacLaughlin et al. (US Patent Number 5,739,809) in view of Holub (US Patent Number 6,750,992 B1).

Regarding **Claim 1**, MacLaughlin'809 shows a system comprising: a viewing station (**i.e., display device. See Column 3, Lines 19-25**); and a measurement device that calibrates the viewing station (**i.e., the display also calibrates. See Column 3, Lines 5-15 and 19-25**), wherein the viewing conditions include a condition that the measurement device is known to support calibration of the viewing station to less than or equal to a maximum magnitude of error (**i.e., the calibration achieves excellent matching between displayed and printed images at a proofing white point level ((equal or less)). See Column 4, Lines 1-10**).

MacLaughlin'809 (although suggests a preview and calibration of the display) fails to show specifically a soft proofing where the display shows an image and the calibration is done depending on the image displayed, subject to one or more viewing conditions for the image.

Holub'992 teaches a soft proofing (**i.e., soft proofing is used. See Column 12, Lines 22-34**) where the display shows an image and the calibration is done depending on the image displayed, subject to one or more viewing conditions for the image (**i.e., the calibration is done for an color image data in the display. See Column 9, Lines 8-11, 56-62 and See Column 12, Lines 40-42 and See Column 13, Lines 31-34 and 48-55**).

Having the system of MacLaughlin'809 and then given the well-established teaching of the Holub'992, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system as suggested by the combination of MacLaughlin'809 with the teachings of Holub'992, in order to improve the system by calibrating the display depending the image showing on the display.

Regarding **Claim 2**, MacLaughlin'809 shows a system further comprising an administrative computer that specifies the viewing conditions (**i.e., processor. See Column 3, Lines 219-22**).

Regarding **Claim 3**, the combination of MacLaughlin'809 and Holub'992 shows a system wherein the viewing conditions comprise calibration information indicating a required calibration state of a display device associated with the viewing station, the calibration state of the display device being achieved via the measurement device (**i.e.,**

the color measurement instrument verify and recalibrate the display. See Column 9, Lines 56-65 in reference Holub'992).

Regarding **Claim 4**, MacLaughlin'809 shows a system wherein the viewing conditions comprise calibration information that specifies a maximum amount of time since a display device associated with the viewing station was last calibrated using the measurement device **(i.e., periodically and automatically measures and calibrates and compares with the measurements from the last calibration. See Column 1, Lines 45-53 and See Column 8, Lines 11-25).**

Regarding **Claim 5**, MacLaughlin'809 shows a system wherein the viewing station automatically instructs a user to calibrate the display device using the measurement device when the display device has not been calibrated within the maximum amount of time **(i.e., the user uses an interface to calibrate. See Column 2, Lines 35-41 and See Column 8, Lines 12-16).**

Regarding **Claim 6**, the combination of MacLaughlin'809 and Holub'992 shows a system wherein the viewing conditions define a calibration procedure to be followed prior to the viewing station displaying the image **(i.e., the viewing conditions depend on how the image is going to look on the display. See Column 7, Lines 16-23 in reference Holub'992).**

Regarding **Claim 14**, the combination of MacLaughlin'809 and Holub'992 shows a system wherein the measurement device comprises a stand-alone measurement device **(i.e., each node contains a soft proofing device and a calibration device apart from the display. See Column 9, Lines 15-21 in reference Holub'992).**

Regarding **Claim 15**, MacLaughlin'809 shows a system wherein the measurement device includes a software component running on the viewing station **(i.e., the calibration/measurement device has software on the display. See Column 3, Lines 5-15).**

Regarding **Claim 16**, MacLaughlin'809 shows a system wherein the software component running on the viewing station comprises one of a communication application that communicates with the measurement device and a device driver that drives communication with the measurement device via an operating system associated with viewing station **(i.e., the measurement device communicates with the device. See Column 2, Lines 35-45 and See Column 3, Lines 5-15).**

Regarding **Claim 17**, MacLaughlin'809 shows a system further comprising a software-based measurement correction module to correct a color output response of the measurement device **(i.e., automatically corrects the display. See Column 8, Lines 16-19).**

Regarding **Claim 18**, the combination of MacLaughlin'809 and Holub'992 shows a system wherein the maximum magnitude of error of the measurement device comprises an accuracy of less than approximately $\pm 1 \Delta E$ **(i.e., the error should no be less than $1 \cdot \Delta E$. See Column 25, Lines 15-20 in reference Holub'992).**

Regarding **Claim 19**, the combination of MacLaughlin'809 and Holub'992 shows a system wherein the maximum magnitude of error of the measurement device is determined relative to a reference measurement device **(i.e., the maximum magnitude**

of error is estimated by measurements deviations on multiple/reference copies. See Column 25, Lines 11-15 in reference Holub'992).

Regarding **Claim 20**, the combination of MacLaughlin'809 and Holub'992 shows a system wherein the measurement device includes a colorimeter and the reference measurement device includes a telespectroradiometer (**i.e., a colorimeter is included and a spectrophotometer. See Column 14, Lines 64-67 and See Column 15, Lines 12-15 in reference Holub'992).**

Regarding **Claim 21**, the combination of MacLaughlin'809 and Holub'992 shows a system The system of claim 1, wherein the maximum magnitude of error is less than approximately 0.5 delta E (**i.e., the error should no be less than 1.DELTA.E*. See Column 25, Lines 15-20 in reference Holub'992).**

With regards to method **Claim 22**, the limitation of the claim 22 are corrected by limitation of claim 1 above. The steps of claim 22 read into the function step of claim 1.

With regards to method **Claim 23**, the limitation of the claim 23 are corrected by limitation of claim 2 above. The steps of claim 23 read into the function step of claim 2.

With regards to method **Claim 24**, the limitation of the claim 24 are corrected by limitation of claim 3 above. The steps of claim 24 read into the function step of claim 3.

With regards to method **Claim 25**, the limitation of the claim 25 are corrected by limitation of claim 6 above. The steps of claim 25 read into the function step of claim 6.

With regards to method **Claim 26**, the limitation of the claim 26 are corrected by limitation of claim 4 above. The steps of claim 26 read into the function step of claim 4.

With regards to method **Claim 27**, the limitation of the claim 27 are corrected by limitation of claim 5 above. The steps of claim 27 read into the function step of claim 5.

With regards to method **Claim 32**, the limitation of the claim 32 are corrected by limitation of claim 17 above. The steps of claim 32 read into the function step of claim 17.

With regards to method **Claim 33**, the limitation of the claim 33 are corrected by limitation of claim 18 above. The steps of claim 33 read into the function step of claim 18.

With regards to method **Claim 34**, the limitation of the claim 34 are corrected by limitation of claim 19 above. The steps of claim 34 read into the function step of claim 19.

With regards to method **Claim 35**, the limitation of the claim 35 are corrected by limitation of claim 20 above. The steps of claim 35 read into the function step of claim 20.

With regards to method **Claim 36**, the limitation of the claim 36 are corrected by limitation of claim 21 above. The steps of claim 36 read into the function step of claim 21.

With regards to method **Claim 37**, the limitation of the claim 37 are corrected by limitation of claim 1 above. The steps of claim 37 read into the function step of claim 1.

With regards to method **Claim 38**, the limitation of the claim 38 are corrected by limitation of claim 2 above. The steps of claim 38 read into the function step of claim 2.

With regards to method **Claim 39**, the limitation of the claim 39 are corrected by limitation of claim 6 above. The steps of claim 39 read into the function step of claim 6.

With regards to method **Claim 40**, the limitation of the claim 40 are corrected by limitation of claim 4 above. The steps of claim 40 read into the function step of claim 4.

With regards to method **Claim 41**, the limitation of the claim 41 are corrected by limitation of claim 5 above. The steps of claim 41 read into the function step of claim 5.

With regards to method **Claim 46**, the limitation of the claim 46 are corrected by limitation of claim 17 above. The steps of claim 46 read into the function step of claim 17.

Regarding **Claim 47**, MacLaughlin'809 shows a viewing station comprising: a display device (**i.e., display device. See Column 3, Lines 19-25**); a measurement device that calibrates the display device (**i.e., the display also calibrates. See Column 3, Lines 5-15 and 19-25**); and a measurement correction module that corrects calibration information from the measurement device (**i.e., automatic corrections of calibration measurement. See Column 8, Lines 16-20**).

MacLaughlin'809 (although suggests a preview and calibration of the display) fails to show the viewing station for soft proofing applications, comprising: a **display device** that displays images; and a calibration measurement device to correct gray balance error, white point errors and linearity errors.

Holub'992 teaches a viewing station for soft proofing (**i.e., soft proofing is used. See Column 12, Lines 22-34**) applications, comprising: a **display device** that displays images (**i.e., the calibration is done for the color image data in the display. See**

Art Unit: 2625

Column 9, Lines 8-11, 56-62 and See Column 12, Lines 40-42 and See Column 13, Lines 31-34 and 48-55); and a calibration measurement device to correct gray balance error **(i.e., gray component replacement. See Column 30, Lines 20-23)**, white point errors **(i.e., appropriate white point. See Column 30, Lines 52-54)** and linearity errors **(i.e., linear combinations, errors can be calculated. See Column 5, Lines 46-56).**

Having the system of MacLaughlin'809 and then given the well-established teaching of the Holub'992, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system as suggested by the combination of MacLaughlin'809 with the teachings of Holub'992, in order to improve the system by calibrating the display depending the image showing on the display.

With regards to method **Claim 48**, the limitation of the claim 48 are corrected by limitation of claim 21 above. The steps of claim 48 read into the function step of claim 21.

Regarding **Claim 49**, the combination of MacLaughlin'809 and Holub'992 shows a viewing station wherein the viewing station includes a personal computer, and the measurement device includes a calorimeter coupled to the personal computer **(i.e., a calorimeter is included. See Column 14, Lines 64-66 and See Column 15, Lines 1-15 in reference Holub'992).**

Regarding **Claim 50**, the combination of MacLaughlin'809 and Holub'992 shows a viewing station wherein the viewing station includes a personal computer, and the measurement device includes a calorimeter coupled to the personal computer **(i.e., a**

calorimeter is included. See Column 14, Lines 64-66 and See Column 15, Lines 1-15 in reference Holub'992).

3. **Claims 7, 13, 28 and 42** rejected under 35 U.S.C. 103(a) as being unpatentable over MacLaughlin et al. (US Patent Number 5,739,809) in view of Holub (US Patent Number 6,750,992 B1) and in further in view of Tamura et al. (US Patent Number 5,339,011).

Regarding **Claim 7**, the combination of MacLaughlin'809 and Holub'992 fails to show a system wherein the viewing conditions comprise warm-up information that cause the viewing station to restrict display of the image when a display device of the viewing station has not been turned on for at least a specified amount of time.

Tamura'011 teaches a system wherein the viewing conditions comprise warm-up information that cause the viewing station to restrict display of the image when a display device of the viewing station has not been turned on for at least a specified amount of time **(i.e., the warms up when it has been turned off and that restricts the display as a viewing condition. See Column 11, Lines 30-34).**

Having the system of MacLaughlin'809 and Holub'992 and then given the well-established teaching of the Tamura'011, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system as suggested by the combination of MacLaughlin'809 and Holub'992 with the teachings of Tamura'011, in order to allow the system to have time to warm up after being turned off and after the warm up to calibrate the display correctly.

Regarding **Claim 13**, the combination of MacLaughlin'809, Holub'992 and Tamura'011 shows a system wherein the viewing station restricts display of the image when any of the viewing conditions are not satisfied (**i.e., when the display is not warm up it restricts the display. See Column 11, Lines 30-34 in reference Tamura'011).**

With regards to method **Claim 28**, the limitation of the claim 28 are corrected by limitation of claim 7 above. The steps of claim 28 read into the function step of claim 7.

With regards to method **Claim 42**, the limitation of the claim 42 are corrected by limitation of claim 7 above. The steps of claim 42 read into the function step of claim 7.

4. **Claims 8-12, 29-31 and 43-45** rejected under 35 U.S.C. 103(a) as being unpatentable over MacLaughlin et al. (US Patent Number 5,739,809) in view of Holub (US Patent Number 6,750,992 B1), in further in view of Tamura et al. (US Patent Number 5,339,011) and further in view of Takagi (US Patent Number 6,615,390 B1).

Regarding **Claim 8**, the combination of MacLaughlin'809, Holub'992 and Tamura'011 fails to shows a system wherein the viewing conditions include a condition that the measurement device is a certified measurement device.

Takagi'390 teaches a system wherein the viewing conditions include a condition that the measurement device is a certified measurement device (**i.e., the measurement device has to be certified in order to be used for calibration. See Column 8, Lines 25-29).**

Having the system of MacLaughlin'809, Holub'992 and Tamura'011 and then given the well-established teaching of the Takagi'390, it would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify the system as suggested by the combination of MacLaughlin'809, Holub'992 and Tamura'011 with the teachings of Takagi'390, in order to improve the system by calibrating the display only when the measurement device is certified reducing errors in calibration.

Regarding **Claim 9**, the combination of MacLaughlin'809, Holub'992, Tamura'011 and Takagi'390 shows a system wherein the viewing station communicates with the measurement device to verify that the measurement device is a certified measurement device **(i.e., the certification is tested and sent to the CPU that controls the display. See Column 8, Lines 21-35 in reference Takagi'390).**

Regarding **Claim 10**, the combination of MacLaughlin'809, Holub'992, Tamura'011 and Takagi'390 shows a system wherein the viewing station obtains a unique identifier from the measurement device, and verifies that the measurement device is a certified measurement device based on the unique identifier **(i.e., the IC card is an identifier of the certified calibration. See Column 8, Lines 21-40 in reference Takagi'390).**

Regarding **Claim 11**, the combination of MacLaughlin'809, Holub'992, Tamura'011 and Takagi'390 shows a system wherein the viewing station accesses a list of unique identifiers associated with certified measurement devices, and the viewing station consults the list to verify that the measurement device is a certified

Art Unit: 2625

measurement device based on the unique identifier obtained from the measurement device and the list of unique identifiers (**i.e., the IC cards identify the certified calibration of each equipment/device. See Column 8, Lines 21-40 in reference Takagi'390).**

Regarding **Claim 12**, the combination of MacLaughlin'809, Holub'992, Tamura'011 and Takagi'390 shows a system wherein the list of unique identifiers is stored remotely from the viewing station (**i.e., the lot of IC cards contains the necessary data. See Column 8, Lines 21-25 in reference Takagi'390).**

With regards to method **Claim 29**, the limitation of the claim 29 are corrected by limitation of claim 9 above. The steps of claim 29 read into the function step of claim 9.

With regards to method **Claim 30**, the limitation of the claim 30 are corrected by limitation of claim 10 above. The steps of claim 30 read into the function step of claim 10.

With regards to method **Claim 31**, the limitation of the claim 31 are corrected by limitation of claim 11 above. The steps of claim 31 read into the function step of claim 11.

With regards to method **Claim 43**, the limitation of the claim 43 are corrected by limitation of claim 9 above. The steps of claim 43 read into the function step of claim 9.

With regards to method **Claim 44**, the limitation of the claim 44 are corrected by limitation of claim 10 above. The steps of claim 44 read into the function step of claim 10.

With regards to method **Claim 45**, the limitation of the claim 45 are corrected by limitation of claim 11 above. The steps of claim 45 read into the function step of claim

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to IRIANA CRUZ whose telephone number is (571)270-3246. The examiner can normally be reached on Monday-Friday 7:30am to 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Y. Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/King Y. Poon/
Supervisory Patent Examiner, Art Unit 2625

Iriana Cruz
Examiner
Art Unit 2625

April 10, 2008

Application/Control Number: 10/815,096
Art Unit: 2625

Page 16

/I. C./
Examiner, Art Unit 2625